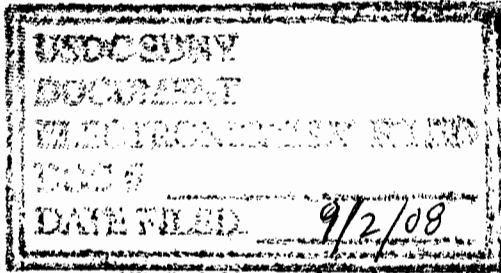
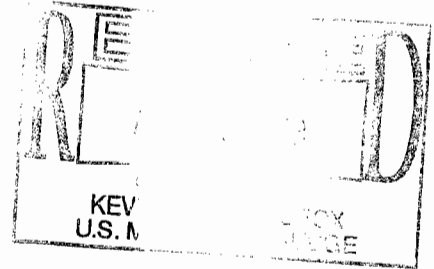


McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

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FACSIMILE (973) 622-5314**MEMO ENDORSED**

August 29, 2008

VIA FACSIMILEHonorable Kevin Nathaniel Fox, U.S.M.J.
United States Courthouse, Room 530
500 Pearl Street
New York City, NY 10007-1112**RE: Stuart Bitterman, M.D. v. Berkshire Life
Insurance Company of America
Civil Action No.: 07-cv-11061
MDMC File No. B0566-1005**

Dear Judge Fox:

Please be advised that our office represents defendant, Berkshire Life Insurance Company of America in connection with the above matter. We have obtained consent of our adversary to adjourn the settlement conference currently scheduled for Wednesday, September 3, 2008, at 10:30 a.m.

Thank you for your kind courtesy in this regard.

Respectfully submitted,

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

Steven P. Del Mauro

SPD:bk

cc: Cheryl Lipsius, Esq. (via facsimile)

Enclosure
1133719_1.DOC

9/2/08
 The settlement conference
 previously scheduled for September
 3, 2008, will be held on October 13,
 2008, at 10:30 a.m.
SO ORDERED:
(Kevin Nathaniel Fox)
KEVIN NATHANIEL FOX, U.S.M.J.